

By: Ellis, Zaffirini

S.B. No. 2279

A BILL TO BE ENTITLED

AN ACT

relating to the dedication of certain civil penalties for violations of the Deceptive Trade Practices-Consumer Protection Act to provide civil legal services to the indigent.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 402.007, Government Code, is amended to read as follows:

Sec. 402.007. PAYMENT TO TREASURY; ALLOCATION OF CERTAIN PENALTIES. (a) The attorney general shall immediately pay into the state treasury money received for a debt or penalty.

(b) The comptroller shall credit to the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent the net amount of a civil penalty that is recovered in an action by the attorney general in any matter actionable under Subchapter E, Chapter 17, Business & Commerce Code, after deducting amounts allocated to or retained by the attorney general as authorized by law, unless:

(1) another law requires that the penalty be credited to a different fund or account; or

(2) the judgment awarding the penalty requires that the penalty be paid to another named recipient.

SECTION 2. The change in law made by this Act applies to a civil penalty in an action by the attorney general under a provision of the Business & Commerce Code that is received on or after the

1 effective date of this Act.

2           SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2009.